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(formerly KM40562-20)

**IN THE CLAIMS:**

Please cancel claims 1-4, 13-32 and 37-45, without prejudice.

Please amend claims 8, 9, and 34-35, pursuant to 37 C.F.R. § 1.121, as follows:

8. (Amended) An apparatus as recited in claim 5, wherein said [assay is] cell further comprises an electrode for conducting an electrochemiluminescence assay.

9. (Amended) A apparatus for use in conducting [an electrochemiluminescence] binding assay, comprising:

(a) a cell; and

(b) means, in solid contact with said cell, for sonicating contents of said cell.

34. (Amended) An apparatus as recited in claim 33, wherein said cell includes a solid phase support for conduct of a binding reaction, wherein said support has binding reagents immobilized thereon.

35. (Amended) An apparatus as recited in claim 33, wherein said apparatus includes a working electrode suitable for the conduct of an electrochemiluminescence assay.

Please add the following claims:

—46. An apparatus as recited in claim 5, wherein said cell further comprises a solid phase support having binding reagents immobilized thereon.

47. An apparatus as recited in claim 5, wherein said cell further comprises an electrode having binding reagents immobilized thereon.

48. An apparatus as recited in claim 46, wherein said binding reagents are patterned on said solid phase into a plurality of distinct binding domains and at least one of said binding

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domains comprises binding reagents differing in specificity from at least one other binding domain.

49. An apparatus as recited in claim 47, wherein said binding reagents are patterned on said electrode into a plurality of distinct binding domains and at least one of said binding domains comprises binding reagents differing in specificity from at least one other binding domain.

50. An apparatus as recited in claim 46, wherein said solid phase is structurally coupled, through a surface of said cell, to means for sonicating the contents of said cell.

51. An apparatus as recited in claim 47, wherein said electrode is structurally coupled, through a surface of said cell, to means for sonicating the contents of said cell.

52. An apparatus as recited in claim 5, wherein said sonication means is a piezoelectric device.

53. An apparatus as recited in claim 5, wherein said sonication means is an electromagnetic actuator.

54. An apparatus as recited in claim 9, wherein said cell further comprises an electrode suitable for conducting an electrochemiluminescence assay.

55. An apparatus as recited in claim 9, wherein said cell further comprises a solid phase support having binding reagents immobilized thereon.

56. An apparatus as recited in claim 9, wherein said cell further comprises an electrode having binding reagents immobilized thereon.

57. An apparatus as recited in claim 55, wherein said binding reagents are patterned on said solid phase into a plurality of distinct binding domains and at least one of said binding

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domains comprises binding reagents differing in specificity from at least one other binding domain.

58. An apparatus as recited in claim 56, wherein said binding reagents are patterned on said electrode into a plurality of distinct binding domains and at least one of said binding domains comprises binding reagents differing in specificity from at least one other binding domain.

59. An apparatus as recited in claim 55, wherein said solid phase is in solid contact, through a surface of said cell, to said means for sonicating the contents of said cell.

60. An apparatus as recited in claim 56, wherein said electrode is structurally coupled, through a surface of said cell, to means for sonicating the contents of said cell.

61. An apparatus as recited in claim 9, wherein said sonication means is a piezoelectric device.

62. An apparatus as recited in claim 9, wherein said sonication means is an electromagnetic actuator.

63. An apparatus as recited in claim 33, wherein said said sonication means is an electromagnetic actuator.

64. An apparatus as recited in claim 33, wherein said cell further comprises an electrode having binding reagents immobilized thereon.

65. An apparatus as recited in claim 34, wherein said binding reagents are patterned on said solid phase into a plurality of distinct binding domains and at least one of said binding domains comprises binding reagents differing in specificity from at least one other binding domain.

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66. An apparatus as recited in claim 64, wherein said binding reagents are patterned on said electrode into a plurality of distinct binding domains and at least one of said binding domains comprises binding reagents differing in specificity from at least one other binding domain.

67. An apparatus as recited in claim 34, wherein said solid phase is in solid contact with said diaphragm.

68. An apparatus as recited in claim 64, wherein said solid phase is in solid contact with said diaphragm.--

### REMARKS

Favorable reconsideration and allowance are respectfully requested. Claims 1-45 are pending. Claims 1-4, 13-32 and 37-45 have been cancelled, without prejudice. Claims 46-68 have been added and it is not believed that the additional claims introduce new matter.

Enclosed is a check in the amount of \$198.00 to cover the cost of the added claims for a small entity (i.e., 22 claims in excess of twenty). The Commissioner is authorized to charge any deficiency or credit any overpayment in connection with this Amendment to Deposit Account No. 50-0297. Therefore, claims 5-12, 33-36 and 46-68 are pending and at issue.

The Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-12, drawn to an apparatus;
- II. Claims 13-36, 41-43 and 45, drawn to an apparatus and methods of assay using the apparatus;